

UNITED STATES DISTRICT COURT

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Southern

District of

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Pfizer Inc,  
Robert Jarvik, M.D., and Jarvik Heart, Inc.

U.S. DISTRICT COURT  
S.D.N.Y.

SUMMONS IN A CIVIL ACTION  
U.S. DISTRICT COURT  
S.D.N.Y.

V.

Mathew I. Gelfand, M.D.

CASE NUMBER:

08 CV 02018

TO: (Name and address of Defendant)

Mathew I. Gelfand, M.D.  
245 Fairway Road  
Lido Beach, New York 11561

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

David G. Ebert  
Ingram Yuzek Gainen Carroll & Bertolotti, LLP  
250 Park Avenue, 6th Floor  
New York, New York 10177

Rudy E. Hutz  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street  
Wilmington, Delaware 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**FEB 28 2008**

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PFIZER, INC.; ROBERT JARVIK, M.D.;  
and JARVIK HEART, INC.;

Case No. 08-CV-2018

Plaintiff(s),

-against-

MATHEW I. GELFAND, M.D.,

**AFFIDAVIT OF SERVICE**

Defendant(s).

-----X  
STATE OF NEW YORK )

s.s. :

COUNTY OF NEW YORK )


JOSEPH SANCHEZ, being duly sworn, deposes and says that he is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 3rd day of March, 2008, at approximately 7:18 p.m., deponent served an original **Summons, Complaint for Declaratory Judgment, Rules of Court and Judge's Rules** upon Mathew I. Gelfand at 245 Fairway Road, Lido Beach, New York 11561 by personally delivering and leaving the same with Silvia Gelfand, spouse and a person of suitable age and discretion at that address, the actual place of residence of the defendant. At the time of service deponent asked whether the defendant is in active military service for the United States or for the State in any capacity whatsoever or dependent upon such person and received a negative reply.

Silvia Gelfand is a white female, approximately 80 years of age, is approximately 5 feet and 9 inches tall, weighs approximately 125 pounds, with medium length gray hair and light eyes and was wearing glasses.

Sworn to before me this  
7th day of March, 2008

  
JOSEPH SANCHEZ #1155200

  
MICHAEL J. KEATING  
NOTARY PUBLIC, STATE OF NEW YORK  
Reg. No. 01-KE4851559  
Qualified in New York County  
Commission expires February 3, 2010